

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
for ^{FILED} Charlottesville
AUG 14 2006

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
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LARRY MONROE,

Plaintiff,

v.

CITY OF CHARLOTTESVILLE, et. al.,

Defendants.

CIVIL ACTION No. 3:05-CV-00074

ORDER AND OPINION

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's motion for class certification and memorandum in support, filed on July 24, 2006, and Plaintiff's motion to amend, filed on July 25, 2006.

It is clear from Plaintiff's pleadings that the class he seeks to certify is materially different from the class described in the Complaint, and that this difference could impact the outcome of the Court's class-certification decision. Specifically, he defines the class in his Complaint as all African American men asked to provide a DNA sample between January 1, 2002 and April 30, 2004, while in his memorandum in support, he seeks to extend that time period through the present. He also suggests that injunctive relief, which was not sought in the Complaint, may be appropriate because of this extension. The Court cannot allow Plaintiff to work such substantial changes by such offhand means. Therefore, given that the class described in Plaintiff's memorandum differs from that sought in the Complaint, the Court hereby DENIES Plaintiff's motion for class certification and DENIES Plaintiff's motion to amend the memorandum in

support.

It is so ORDERED.

The Clerk is hereby directed to send a copy of this Order to all counsel of record.

ENTERED:

Manuel J. Moore
U.S. District Judge

August 14, 2006
Date